

**MINUTES  
CITY OF ST. CHARLES, IL  
GOVERNMENT SERVICES COMMITTEE MEETING  
TUESDAY, MAY 28, 2013, 7:00 P.M.**

**Members Present:** Chairman Martin, Aldr. Stellato, Aldr. Silkatis, Aldr. Payleitner, Aldr. Lemke, Aldr. Krieger, Aldr. Bessner, Aldr. Lewis

**Members Absent:** Aldr. Turner

**Others Present:** Raymond P. Rogina, Mayor; Brian Townsend, City Administrator; Mark Koenen, Director of Public Works; Peter Suhr, Assistant Director of Public Works; James Bernahl, Public Works Engineering Manager; John Lamb, Environmental Services Manager; Tom Bruhl Electric Services Manager; James Lamkin, Police Chief; Joseph Schelstreet, Fire Chief

**1. Meeting called to order at 7:00 p.m.**

**2. Roll Call**

**K. Dobbs:**

Stellato: Present  
Silkatis: Present  
Payleitner: Present  
Lemke: Present  
Turner: Absent  
Martin: Present  
Krieger: Present  
Bessner: Present  
Lewis: Present

**3.a. Electric Reliability Report – Information only.**

**3.b. EAB Control Efforts – Information only.**

**3.c. Tree Commission – Information only.**

**3.d. Federal Disaster Declaration for 2013 Flooding – Information only.**

**4.a Recommendation to approve an Intergovernmental Agreement with School District 303 (Red Gate Road/St. Charles North High School Intersection Improvements).**

**Mark Koenen presented.** Conversation is still ongoing with School District 303, so staff is requesting this item be continued to the June 3, 2013 Government Operations Committee Meeting.

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Lemke. Approved unanimously by voice vote. **Motion carried.**

**4.b. Presentation to provide Update on IL Route 64 Projects – Information only.**

**James Bernahl presented.** I'm happy to say that the project is on schedule. There has been a traffic pattern shift at the intersection of Kautz and Smith Roads; traffic has been pushed from the east side to the west side on the new pavement. Crews continue to work on utility upgrades. The bridge just east of Powis is on schedule. We would anticipate mid to late August for that to be open.

There is also restoration work taking place just west of Smith/Kautz Roads on the south side; they are putting down black dirt now and will be laying the sod soon.

On the west project they are starting to prep the base for the new roadway, so they will be starting to place the asphalt base layer just as they did on the south side, following that you will see concrete. During that time, similar to what we have done on the south side, you will see the intersections from 8<sup>th</sup> to 13<sup>th</sup> Avenues closed except for Cedar – they will start doing those roads in half to keep traffic flowing through. I am expecting this to be done in the next three weeks.

**Aldr. Krieger:** How are we doing on Powis Road?

**Mr. Bernahl:** We are doing well. I spoke with IDOT at today's meeting and they indicated that they need to open the bridge in order to open the intersections on the north and south side, so by late August you will see both the north and south intersections of Powis open.

**Chairman Martin:** The owner of a restaurant at that end of town was telling me how bad business has been since construction started, and they pleaded for us to please complete the construction before he goes out of business.

**Aldr. Lemke:** Wendy's did not make it through; they are closing in early June.

No further discussion.

**4.c. Recommendation to approve Mowing Maintenance Contract with Fox Valley Lawn Care.**

**Peter Suhr presented.** Since 2008, Fox Valley Lawn Care has provided lawn maintenance services for City owned property. Fox Valley has agreed to hold their pricing for a fourth consecutive year. They have done an outstanding job of lawn care for the City and are competitively priced.

Staff recommends accepting the unit cost quote submitted by Fox Valley Lawn Care for lawn mowing services at \$29.30 per acre.

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Silkatis. Approved unanimously by voice vote. **Motion carried.**

**4.d. Recommendation to approve Sidewalk Maintenance Contract with Raise Rite.**

**Peter Suhr presented.** Over the past ten years, the City has been utilizing a company called Raise Rite to help maintain City sidewalks. Raise Rite is a specialty contractor who levels the concrete sidewalks by lifting the concrete from below, therefore mitigating any tripping hazards. This year we estimate the lifting services provided by Raise Rite will be approximately \$34,000. This is a budgeted item.

Staff recommends approval of the proposal from Raise Rite in amount of \$2.65 per square foot as per their attached proposal.

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Lemke. Approved unanimously by voice vote. **Motion carried.**

**4.e. Recommendation to approve Sidewalk Maintenance Contract with Safe Step.**

**Peter Suhr presented.** This is another option that we utilize for maintaining our sidewalks; they grind the top surface of the walk, mitigating any tripping hazards. Over the past five years, the City has been utilizing a company named Safe Step to do so. This year we estimate the grinding services provided by them is also approximately \$35,000 and is also budgeted.

Staff recommends approval of the proposal from Safe Step in an amount of \$23.50 per inch/foot.

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Lemke. Approved unanimously by voice vote. **Motion carried.**

**4.f. Recommendation to award proposal from Engineering Enterprises, Inc. (EEI) for Design and Construction Engineering for Red Gate Water Tower and approve a Resolution authorizing the Mayor and City Clerk to execute same.**

**John Lamb presented.** This is a recommendation to award a proposal to Engineering Enterprises, Inc. (EEI) for design and construction of a new water tower. This new water tower was recommended in our approved Water Division Ten Year Master Study back in 2007 and it will address some pressure swings and maintenance issues in the outer service area. In addition, it will provide for additional storage redundancy which was recommended by IEPA during an inspection in 2011. Staff sent out Requests for Proposals to five firms and all responded.

Staff recommends awarding the proposal to EEI in an amount of \$162,666.

**Aldr. Stellato:** This is a budgeted item?

**Mr. Lamb:** Yes

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Silkatis. Approved unanimously by voice vote. **Motion carried.**

**4.g. Recommendation to waive the formal Bid Process and approve Proposal from Hawkins Water Treatment Group for Fiscal Year 2013-2014 and approve a Resolution authorizing the Mayor and City Clerk to execute the same.**

**John Lamb presented.** This is a request to approve a proposal from Hawkins Water Treatment for water treatment chemicals. Staff sent out proposals to three companies and two respond. Pricing is attached.

Staff is requesting waiver of the formal bid process since we did competitive pricing and award the contract to Hawkins Water Treatment Group at a cost of \$74,060.

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Silkatis. Approved unanimously by voice vote. **Motion carried.**

**4.h. Recommendation to approve Refuse and Recycling Collection Five Year Contract with Advanced Disposal.**

**John Lamb presented.** We are in the third year of a contract with Advanced Disposal. We have two renewal options for years four and five. Advanced Disposal has come to us with a five year contract renewal extension.

Staff has been investigating a collaborative refuse disposal contract with Batavia and Geneva. Mark Koenen and I met with them several times over the last four to five months. As a result of those meetings, Geneva and Batavia decided to go out to bid for themselves and we decided not to go out to bid at this time, due to the favorable pricing for years four and five.

Geneva and Batavia went out to bid and received very favorable pricing. They had five companies respond to both of their bids. As a result of this, Advanced Disposal has approached us and asked us to renew for a five year contract instead of two years. In their new proposal, they are maintaining the pricing for the current two years on almost all the options; an example of a change is the sticker prices which will go up an additional \$.07. Advanced Disposal honored the totter prices for those first two years and they also honored the half bag and full bag refuse prices. The full size refuse bag will continue for one more year and then be discontinued, so years two through five, Advanced Disposal will no longer offer a full size refuse bag. They will also be eliminating the yard waste bags; right now there is a yard waste bag that can be purchased and used instead of a sticker on a generic bag. People in the future (or presently) can purchase the generic brown bags and put their sticker on the bag, just as they can put a sticker on any refuse can.

**Aldr. Lemke:** What if people already have bags; are we going to continue to pick them up and phase them out?

**Mr. Lamb:** We will have one year to transition. Advance Disposal will have a price for a full size refuse bag for the first year and in 2014 that bag will be discontinued.

**Aldr. Lemke:** I'm thinking about yard waste.

**Mr. Lamb:** Yes, if you have already purchased the yard waste bags, they will continue to honor those.

**Aldr. Stellato:** I'm trying to understand this. The orange bags are going to be no longer. But the half refuse bag will? Is that orange also? Is it half the size of a full bag?

**Mr. Lamb:** The orange full size bag is going away. The half size bag will continue. The half size bag (about half the volume of the current full size bag) will be a generic bag and it will no longer have St. Charles information on it in the interest of keeping the cost down of producing the bag.

**Aldr. Stellato:** Is that exactly half the cost then, per bag? Or are they inflating the numbers a bit? That's my real question.

**Mr. Lamb:** No, it is not exactly half the cost. Some of these costs are associated with the production of the bag, and since we only sell a certain amount during the course of the year, they can't make a huge run of the bags. That is part of the decision to make it a generic bag, the same bag that Batavia and Geneva will be using. None of them will have a city logo on it.

**Aldr. Stellato:** But they are trying to get us away from those bags completely?

**Mr. Lamb:** Correct. That is the trend in the industry, to get away from bags, and maybe at some point, stickers. For right now, we will be maintaining stickers for the full five years.

**Aldr. Stellato:** So if I go out and buy a Glad bag, I have to put a sticker on it?

**Mr. Lamb:** Correct.

**Aldr. Stellato:** How much refuse does that hold, compared to half a bag or full bag? In other words, what is the value here? What is the real increase or decrease? That is the question I have; what are we looking at as far as an impact to everyone out there. You don't have to answer that today, but if you can look at it and get the numbers to us.

But then they want us to use the toters; one for recycling and then a refuse toter as well?

**Mr. Lamb:** You won't be required to use a refuse toter. Currently we have 3,400 households in the City that use toters. Those who don't have toters elect to use refuse bags or refuse stickers. So you are not obligated to use a refuse toter, nor are you technically required to have a recycling toter. But as part of this package, all residents will receive their choice of size of a rolling recycling toter.

**Aldr. Stellato:** But then we get charged per month for the recycling toter?

**Mr. Lamb:** No; that is part of this contract renewal – that is free. There are residents who currently elect to pay \$3 per month for a recycling toter.

**Aldr. Lemke:** What happens to the orange ones?

**Mr. Lamb:** You can still use the orange bins.

**Aldr. Lewis:** My question is the same as Aldr. Stellato's. At the end of the day, what is the cost and how is different from what we pay now?

**Mr. Lamb:** This pricing is very competitive. I will go back and get the detailed numbers. Buying a refuse sticker is \$2.85 and you were paying \$3.07 for a refuse bag, so naturally there is some savings there by buying a sticker as opposed to the bags. If you are asking if you have to put two stickers on a bag, no.

**Aldr. Stellato:** No, my question is if I take a normal Glad bag, I can fit two or three of them inside an orange bag. Now I'm only able to put one sticker on one Glad bag. So what is that difference in price?

**Chairman Martin:** Can you just use a bigger bag?

**Mr. Lamb:** Yes, you can put your normal kitchen receptacle bags into a 30 gallon bag; as long as it is not more than 50 lbs.

**Aldr. Krieger:** As someone who has taken advantage of the toter program, it sure eliminates the recycling blowing down the streets on a windy day. We also use the yard waste toter because then we don't have to pick up the bag and have the bottom fall out. I think there is a big advantage to using the toters.

**Mr. Lamb:** We receive a fair amount of calls from residents when we have had a large amount of blowing debris on windy days. That is the reason why Advanced Disposal encourages the use of the toters, especially as people become more conscience of recycling. The City is already very progressive in our recycling program. We have good recycling participation.

**Aldr. Krieger:** So if we go to the five year plan, I will actually save \$3 per month?

**Mr. Lamb:** Correct.

**Aldr. Silkatis:** You are getting rid of the yard waste bags, correct?

**Mr. Lamb:** Correct.

**Aldr. Silkatis:** So we are going to have to purchase a bag, which means the price is going up more than \$.07 because we have to purchase bags now too.

**Mr. Lamb:** Correct. I can't say how much the average cost of a yard waste bag is because retailers charge different prices.

**Aldr. Silkatis:** My point is that it is going to be \$.07 plus the cost of the purchase of bags, so it is going to be more than \$.07 for the yard waste.

**Mr. Lamb:** Advanced Disposal would like to cancel Wednesday collection; we would only have collection on Monday and Tuesday. This is one less day of the week that there is refuse and recycling on the streets.

**Aldr. Lemke:** Would they do east side and west side?

**Mr. Lamb:** Yes.

**Chairman Martin:** Would the residents receive plenty of notice?

**Mr. Lamb:** Yes. Advanced has done this in other towns and they put out door hangers and give adequate notification. After the transition takes place, they continue to go back over what was the Wednesday collection area for a period of time.

**Aldr. Lewis:** Are there more trucks on the street to get this done?

**Mr. Lamb:** Yes. More trucks, but fewer days. Holidays won't change.

No further discussion.

**Aldr. Martin:** Kristi, please call a roll.

**K. Dobbs:**

**Stellato:** Yes

**Silkatis:** No

**Payleitner:** Yes

**Lemke:** No

**Krieger:** Yes

**Bessner:** Yes

**Lewis:** Yes

Motioned by Aldr. Krieger, seconded by Aldr. Bessner. **Motion carried.**

**5.a. Recommendation to approve use of Amplification Equipment and a Class E-1 Temporary Liquor License for the Firin' Up the Fox BBQ Contest.**

**Chief Lamkin presented.** This is not a new event, but this year it is larger than it has been in the past. This is a BBQ contest to be held at 3800 E. Main. They are requesting the use of amplified music and also a Class E Liquor License. I've outlined the hours requested for service and the hours requested for music. We will still work with the sponsor in terms of the extra duty police. I would like to introduce Julie Farris to talk about this event.

**Julie Farris,** 716 South 9<sup>th</sup> Avenue, 60174. I am here asking for your approval and support for another event. Last year, as part of the 30<sup>th</sup> celebration of River Fest, we had an auxiliary event called the "Kansas City BBQ Society Firin' Up the Fox BBQ Contest. This contest is sanctioned; competitors attend competitions nationally and worldwide and compete for points. We had a great event last year; we thought we would have about 10 teams, but when we got to event weekend, we had 29 teams that came to St. Charles from all over the country to compete. In our first year, we were able to give over \$8,000 in



prize money to the competitors. We quickly realized that this event was so large it took up over 50% of our volunteers to pull this off. As you know, we have a very strong volunteer base - about 150 people and we needed more volunteers to pull off last years' event.

With the event being so successful and working with the Kansas City BBQ Society we are being mentored by the City of Westmont who participate in the Westmont BBQ Contest, we decided to make this a standalone event this year, and we will be having it at Charlestowne Mall. We have been working with the management team at the mall and they have been wonderful. They are letting us use space inside and out. The smokers and the competition will be outside; the judging will be inside and we also will have air conditioning for people to cool off.

Today I am asking your support on a couple things. We would like to have a main stage, but much smaller than River Fest. We are only going to have a couple bands each day, and that is the auxiliary activity. The main activity is BBQ; there will be over 30 professional teams coming in. We are also having an amateur contest. If you think you have the best ribs in St. Charles, we invite you to come out and compete. One of our radio stations is sponsoring that along with Neighbors Magazine and they will be broadcasting live throughout the day from the BBQ. We will also have a "Kids Q"; we did this last year, and it was a great time. Again, we are looking to bring community into this event. We would also like to showcase our community by bringing competitors in from around the country.

We are asking for approval of the main stage, and we are also asking for financial support. The mall power to bring in three generators is over \$6,000. One of our team members reached out to the City and asked about support from the Electric Utility. We have no answers yet as to whether it is even feasible that the City can help with power, but we are requesting electric and water if possible. Along with that, besides music we would like to have a small beer garden. Again, this is a side event; it is not the main part of the event, which again is the BBQ.

This is a sanctioned event with the Kansas City BBQ Society and they are a branch of the Kansas City BBQ Sauce; it is run by professionals, we have to bring in professional judges from the Kansas City BBQ Society to judge. They have also laid out a plan to create a perfect event. They first thing they told us to do is have a BBQ 101 and 102 class to excite people. We did that, and then they asked us to have a Judges class so we could train judges from our own community. We had 35 people attend the judges class at the mall on May 11; several of whom flew in from out of state.

**Chief Lamkin:** The original request is that the Police Department is recommending approval of the Class E Liquor License and also for amplification. Julie has had some preliminary discussions with Tom Bruhl about if the City can provide power to share the cost at 50% as a not for profit.

**Aldr. Lemke:** I see the stage points toward the west. Is it possible to organize that area so that the stage faces the south which essentially doesn't face any residents.

**Ms. Farris:** We are working on the layout with the Electric Division because if they can provide electricity we have had recommendations to change the layout, so we will be glad to take the into consideration.

**Aldr. Lemke:** It's basically at the east of Carson's that you have sound travel, so anything you can do to prevent that would help.

**Ms. Farris:** Years ago we set into motion closing the stage early on Sunday nights to be considerate of residents. Again, this music is not the priority here, and we are more than willing to work with you to change the layout.

**Aldr. Stellato:** I will make a motion for approval contingent upon a final layout agreement and resolution with City Staff in regards to electrical assistance.

**Aldr. Lewis:** Do you know what the dollar amount is that you are asking for from the City?

**Ms. Farris:** We are not sure because we are still in the research stage. It may turn out that help from the Electric Division will not be possible at all, and I'll be back up here asking only for permission for the Liquor License and the Main Stage.

**K. Dobbs:**

Stellato: Yes

Silkatis: Yes

Payleitner: Yes

Lemke: Yes

Krieger: No

Bessner: Abstain

Lewis: Yes

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Lewis. Approved by roll call vote.

**Motion carried.**

**5.b. Recommendation to approve a Class E-2 Liquor License and Use of Amplification Equipment on August 17-18, 2013 for The Festival of the Horse and Drum at the Kane County Fairgrounds.**

**Chief Lamkin presented.** This is a new event at the Kane County Fairgrounds. This is before you tonight for a Class E Liquor License to allow alcohol sales for the event. They are also requesting amplification for announcements.

**Lisa Deerson**, 42W580 Empire Road, St. Charles. We have been working the Visitors and Convention Bureau pulling this event together to bring hopefully 20,000 to 30,000 people to the Fairgrounds on an annual basis. This will be an equestrian show that includes an international level jousting competition, as well as an equine assisted abilities area that will cover everything that we do with handicap riding.

We will be partnering with Ron Onesti of the Arcada to do the first ever Equestrian Film Festival. This four day film festival has never been done anywhere else and we already have 35 films from around the world. Geneva has a film festival and they are very successful, so we thought that would be something different to get people from the Fairgrounds into Downtown St. Charles.

There are several of these festivals, but the one closest to use is called Midwest Horse Fair in Madison, WI. Our feeling is why send the money to Madison. We do performance shows and exhibition shows with our horses, so for us, we would like to do it locally on an annual basis. Madison has a consistent 55,000 to 60,000 people annually. People come in and stay in the hotels and eat in the restaurants, so why not create the opportunity to bring people to St. Charles.

**Aldr. Lewis:** What is the cost of admission?

**Ms. Deerson:** Admission per day is \$15 per adult and \$7.50 per child; children 5 and under are free. The admission fees are consistent with other like events.

**Chairman Martin:** Chief, do they comply with the E2 Liquor Ordinance?

**Chief Lamkin:** Yes, they do. We are still finalizing the number of officers we will have there and they will also have a private security company. We will work with them on the alcohol part to be sure the event operates per code requirements.

**Aldr. Bessner:** Do you have an estimate number of attendees for this event?

**Ms. Deerson:** For the first year, we are guesstimating 10,000 attendees. Judging from the response that the Visitors Bureau has received, they think that is grossly underestimated. We are ready with our security staff in case it gets bigger.

**Aldr. Lemke:** Will there be someone directing traffic on Randall and Rt. 38?

**Chief Lamkin:** I don't know if it's necessary; based on the expected numbers, traffic will be manageable.

**Aldr. Lemke:** How does that compare to when we have had the Bloomington Gold Show?

**Chief Lamkin:** The Bloomington Gold Show was contained on Pheasant Run property. We had officers dealing with traffic, but most of the show was self-contained. More similar to this is the traffic from the Flea Market at the Fairgrounds that we deal with, so we are accustomed to it.

**Aldr. Krieger:** Some of the events where horses have been involved have led to fights and beer drinking. I have a concern about that; will there be some way to control the amount of alcohol served?

**Chief Lamkin:** We haven't found any other events that have been run this way. For us the one thing that is unique is that we don't allow alcohol to be consumed throughout the Fairgrounds. There is a defined area where alcohol is served only. There is food adjacent to that and those provisions have been discussed and will apply. We intend on having some of our own officers stationed there and anything related to over service will apply just as anything else. There will also be security from the event sponsors and will work with them to make sure similar provisions are followed.

**Chairman Martin:** Please call a roll.

**K. Dobbs:**

Stellato: Yes

Silkatis: Yes

Payleitner: Yes

Lemke: Yes

Krieger: No

Bessner: Yes

Lewis: Yes

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Bessner. Approved by roll call vote.

**Motion carried.**

**5.c. Recommendation to approve Parking Lot, Street Closure and Use of Amplification Equipment for St. Charles Cruise Nights.**

**Chief Lamkin presented.** This is a request for the annual Cruise Nights. This event used to take place on First Street and the last couple years we moved it to South Riverside. They have requested to move it back to First Street because the location works better, and they can potentially utilize the additional parking there as well.

This event has always run well; there is minimal cost because the barricades are dropped off and picked up as part of the normal work day.

This request for approval is for street closures and a small DJ with speakers that are set up during this event as well.

**Aldr. Payleitner:** Why did they move?

**Chief Lamkin:** Initially there were concerns about congestion and they needed more space. Last year it seemed to work okay for us, but from their standpoint they prefer the First Street venue.

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Bessner. **Motion carried.**

**5.d. Discussion regarding the creation of a Liquor Commission and provide direction to the City Administrator, Police Chief and City Attorney.**

**Chief Lamkin presented.** We have had ongoing discussions on this and there are several possibilities of changes that can be made to the Liquor Code. One of the items that was brought up last month was to explore the ability to create a Liquor Commission, as opposed to a Liquor Commissioner. We have put together some documentation for you, and Aldr. Martin has also put together some research. Before moving forward, staff will need to be able to direct our attorney to draft and prepare a document before putting into ordinance.

**Mayor Rogina:** As a prelude to your discussion about creating a Liquor Commission, let me provide you with some thoughts as Liquor Commissioner. I want to give kudos to Jim Martin for putting together a very extensive and thorough research document that gave you a lot of information about different cities with respect to the number of commissioners that make up the chair, status and duties. I also want to give credit to Brian Townsend and Chief Lamkin for giving you the matrix to pose the series of questions about what a Liquor Commission might look like and the questions we may have to answer.

When I was sitting as an alderman, it seemed like, absent Aldr. Lemke and Aldr. Silkatis who were not present at the time; but the rest of you bought into the theory that a commission would be a good idea. The first question is should the commission be adjudicatory or advisory. I listened carefully to what some of you said; as the Commissioner, it would not concern me if you go the advisory route. I stand ready and willing to make a decision as the Commissioner, but I do want and seek input. At a hearing I would want input from the members of the Commission. As Chairman Martin showed you, most liquor commissions are advisory to the commissioner.

As far as the size is concerned, personally I would like to invite two citizens to be on this commission, and two aldermen, so there would be four advisors at a hearing to join the commissioner at a hearing. After the hearing is done, the advisory discussion would take place.

What is the function of the commission? I would point to one line of the Fox Lake entry. As to the function and duties of the commission; “assist the commissioner in the exercise of the powers and performance of the duties herein provided for such commissioner. I’m not looking to reinvent the wheel. I don’t think it’s necessary to change a whole bunch of ordinances at this time. We can put the commission in place and still work within the confines of our ordinances. If you look at the matrix provided by Chief and Mr. Townsend, the commission is not going to be involved in any policy making or recommendations. They are an advisory group to the commissioner.

Having said that, I would ask if you are privileged to ask staff to create an ordinance, I would ask you to consider the following: have staff seek input of the tavern association. They are stakeholders, so whatever you come up with they should have input.

I personally think we should have in the ordinance the following: any 2:00 a.m. license we grant should be reviewed by the City Council on an annual basis. Not the commission. With due process, if you decide as a Council that you want to take away a 2:00 a.m. license and the ordinance should show the appropriate penalties, and the licensee should know that there is the possibility of a 2:00 a.m. license being reverted to whatever your pleasure is.

**Aldr. Stellato:** There are a few areas we need to make some decisions on. Where do we start? Advisory or adjudicatory first, size next, and then duties? Is that what you are looking for, to get some direction on those three?

**Chairman Martin:** Correct.

**Aldr. Lewis:** Are we also going to discuss how we would select these members from at large?

**Chairman Martin:** I don’t think we are quite that far yet. The first question I would like to present is does the Council want to form a local liquor commission.

**Aldr. Stellato:** Yes.

**Chairman Martin:** How many people do you want on it? I recommended seven, Mayor Rogina recommended five. My thoughts were three alderman, three citizens and the liquor commissioner himself.

**Aldr. Krieger:** I prefer two and two. When you start forming larger groups, it’s difficult to coordinate schedules. Correct me if I’m wrong, but I think we downsized the Police and Fire Commission because it was a problem to get people together.

**Chairman Martin:** Relevant to that, the question is going to come up of how often they meet, and your point is well taken.

**Aldr. Stellato:** I would lean toward five.

**Chairman Martin:** Five members it is.

**Chairman Martin:** Shall this commission be advisory or adjudicatory?

**Aldr. Stellato:** Advisory.

**Aldr. Payleitner:** Advisory.

**Aldr. Silkatis:** If we are going to have a committee, shouldn't the committee have the power to make the decision as a group and vote on it? I can see the point of advising, but I just wonder if maybe we shouldn't make it an action committee. My only problem is having citizens voting.

**Chairman Martin:** It has been a tradition in the policy of the City that all commissions have been advisory to avoid the various issues.

**Chairman Martin:** Advisory it is, with five members.

**Chairman Martin:** What are these five people going to do? In my recommendation I covered four items that I can read to you; a) review applications and investigation of applicants for liquor licenses and to submit findings and recommendations to the local liquor commissioner, setting forth the conclusions, respecting such applications.

**Aldr. Stellato:** So that process is that Chief would present someone's license to the commission, they would check Bassett Training and all paper work is done?

**Chief Lamkin:** When someone makes an application for a new license, that will come to Tina and she will accept the license and she will forward that license with attachments to the Police Department where we will do a background investigation and then the way it is today, if we don't see anything outstanding in the background investigation we will then forward it back to the Mayor's office for action.

**Chairman Martin:** In the review of the statewide commission, the commission had the authority to seek input from police or any other investigator they wanted to hire.

**Mayor Rogina:** Right now, the liquor commissioner comes before you as a committee if you require that they come before the commission, I think you are adding a step there and I'm not looking to add steps to the process. As Chief said, if it goes through the Mayor's office and they Mayor comes before the committee or council to say they recommend this license be granted. If the commission is truly advisory, I don't see them in that particular role. You are giving them some power here to make a recommendation.

**Chairman Martin:** But it gives the commission the privilege of a more thorough examination of the licenses. Their recommendations would go to you and you would still be making recommendations to the council.

**Mayor Rogina:** But you are suggesting the commission will be making a recommendation to me?

**Chairman Martin:** An advisory recommendation.

**Aldr. Lewis:** Do you think a commission is going to be able to dig deeper into a person's background than the Police Department can?

**Chairman Martin:** I would hope the police report would be submitted to the commission in time that they could ask questions if they had them.

**Aldr. Payleitner:** I would like to address Aldr. Lewis' point. Perhaps there was an applicant when we saw something fishy; an extra set of eyes can ask exactly what the business plan is; not do background checks.

**Aldr. Lewis:** I have to believe our Police Department is going to be able to check an application better.

**Aldr. Payleitner:** But not business plans, layout and what their purpose is, whether they are a restaurant or a bar. We are certainly not suggesting they do criminal checks.

**Chief Lamkin:** I can tell you in my ten years here we have done background checks on a number of liquor establishments; I don't know that we have ever had anybody who applied for a liquor establishment that did not meet the requirements of liquor code in terms of their background.

**Chairman Martin:** We are going to run into some issues before we are through with this as to determining the difference between a restaurant and a bar. It would be an opportunity for that commission to examine just exactly what the applicant has in mind before it comes before the council.

**Mayor Rogina:** We need to distinguish between a restaurant and a bar, but I don't see the need for the commission to oversee that.

**Aldr. Krieger:** I agree with Rita. Also, if the applicant comes before the commission, that gives him the opportunity to ask questions. Once he has passed the original background check then the commission can determine exactly what the applicant is applying for.

**Aldr. Stellato:** I'm torn. I hear what the Mayor is saying, but it depends on what kind of message we want to send. If we want the applicant to appear in front of us twice; once at



commission level, once at Council, then that's the way to go. If it's a matter of a restaurant or bar walking away because of the extra step, then it's a hindrance.

**Aldr. Silkatis:** If we are taking this seriously, we should add another review to the process. If they know about the review process ahead of time, they can make plans and come in earlier, not a week before opening. I think we should go ahead with this.

**Aldr. Payleitner:** When I said an extra set of eyes, I didn't mean face to face with the applicant; I just meant whatever paperwork the commissioner or police get, the commission then has more information to look at before making a recommendation.

**Chairman Martin:** What if we edited that to say review applications for liquor licenses and submit recommendations to local liquor commission.

**Aldr. Bessner:** What does reviewing applications mean? All of it? Business plans, everything?

**Aldr. Stellato:** Except for confidential information.

**Aldr. Lemke:** If it's not that frequent, I can see it being at the call of the chair and therefore it doesn't wait for the once a month meeting.

**Chairman Martin:** What if we edited it to say upon the request of the local liquor commissioner to review? That takes care of the routine simple ones and sends the difficult ones to the commission.

**Aldr. Krieger:** I would support them appearing before the commission.

**Aldr. Bessner:** I would see it similar to Planning Commission; not meeting twice a month, but once a month might be beneficial. As a side note, I think over the last year we looked at an application that took about a year for all of us to figure out what they were going to be and the commission could have shortened that process.

**Aldr. Lewis:** So after the Police Department gets the application and does the background check, then you bring it to a committee. You don't bring it to Council right away.

**Chief Lamkin:** In the past, that has been the Mayor's call. We return the background check to the Mayor's office and then the Mayor had been making the determination about where it would go. It has not always gone to Committee. The E-1's, because they go through the special events process will go to Committee, but the other licenses, the Mayor would make the call.

**Mayor Rogina:** With the Class E licenses, I would see no need to do anything but present to the Committee.

**Aldr. Payleitner:** I agree with you, Your Honor, that it is an extra step, and I hate to see putting more government into government. I could go along with the idea that it could be the liquor commissioner's decision.

**Aldr. Silkatis:** This doesn't apply to renewals, does it? Or are those reviewed?

**Mayor Rogina:** The only proviso I suggested that 2:00 a.m. licenses should be reviewed by City Council every April.

**Chairman Martin:** Are we in agreement that at the request of the liquor commissioner we can review the applications?

- a) At the request of the local liquor commission (LLC) review applications of applicants for liquor licenses and make recommendations to the LLC.
- b) Conduct disciplinary hearings for suspension or revocation of licenses providing recommendations to the LLC and finding the fact sustaining in whole or in part or dismissing complaints against licensees.
- c) Annually, prior to March 1, determine the closing hours of retail liquor establishments and the effective enforcement thereof and make such recommendations to the LLC.
- d) Review and recommend changes to the liquor control ordinance.

**Chairman Martin:** Item "d" is where we get into determining the classes of licenses and what is a restaurant and what is a bar and controlling the number of licenses.

**Chief Lamkin:** I have a question on item "c". If the commission recommended that you don't have a 2:00 a.m. license, then are we creating a license that ends at 1:00 a.m.? Or would we have separate rules established? Right now, our licenses are 2:00 a.m.

**Mayor Rogina:** I'm not looking to create a new ordinance. We have licenses that allow an establishment to stay open until 2:00 a.m. If that is the case, the 2:00 a.m. license is then subject for review annually by council. What the Chief is asking is that if you, as the Council, do not renew a 2:00 a.m. license, what time do they fall back to? That has to be part of the ordinance.

**Aldr. Stellato:** We aren't drafting the ordinance tonight, correct?

**Chairman Martin:** No, that is just a recommendation to come back with something closer to what we are looking for.

**Aldr. Lewis:** Will we have to determine what the criteria will be to take that license hour away?

**Chief Lamkin:** Speaking from experience, we would have to demonstrate to you the reasons why it has come before the commission, either violations or repetitive problems. Those are the things I'm thinking would be the test you would use to not allow them to

continue on. Another thing is not paying their sales tax on time; there are several items, but we need to identify criteria necessary.

**Aldr. Lewis:** Would an establishment have any recourse if they felt they were unfairly punished?

**Chief Lamkin:** There is the potential they could appeal to the IL Liquor Control Commission, who could then decide if the City was overzealous. Are there any others?

**Attorney McGuirk:** I'm not aware of any, we could have an appeal process of our own.

**Aldr. Lemke:** Perhaps they can present their case in front of the full Council so we don't have everything going to the IL State Board because they might routinely dismiss something.

**Chairman Martin:** I would like to suggest that we accept the ordinance set as it is and then Staff come back with some recommendations to Brian, yourself and the Chief.

**Mayor Rogina:** I appreciate the conversation and I think it bodes well for us in moving forward on the control and sale of liquor in St. Charles and try to be fair, forthright and honest about adjudication of the ordinances and to be fair to our licensees who do a good job. If we put something in place that is clear, concise and fair, we will be just fine.

**Chief Lamkin:** I know we talked about the liquor commissioner being able to call for a review upon request; did we decide anything in terms of how often the committee should meet, or will it be call a meeting when necessary?

**Aldr. Krieger:** I would say meet as needed. If everyone behaves for two or three months, the committee shouldn't have to keep meeting.

**Chairman Martin:** I would recommend the meetings be at the call of the commissioner as needed. Is there anything I missed?

**Chief Lamkin:** So we will work on putting a draft together with the city attorney so you can review and provide us input.

No further discussion.

## **6. Motion to go into Executive Session**

**Chairman Martin:** Please call a roll call vote.

**K. Dobbs:**

Stellato: Yes

Silkatis: Yes

Payleitner: Yes

Lemke: Yes

Krieger: Yes

Bessner: Yes

Lewis: Yes

Motion by Aldr. Stellato, seconded by Aldr. Bessner. No additional discussion.  
Approved by roll call vote. **Motion carried.**

**7. Additional business**

None.

**8. Adjournment from Executive Session**

Motion by Aldr. Krieger, seconded by Aldr. Bessner. No additional discussion.  
Approved unanimously by voice vote. **Motion carried.**

**9. Adjournment from Government Services Committee Meeting.**

Motion by Aldr. Krieger, seconded by Aldr. Bessner. No additional discussion.  
Approved unanimously by voice vote. **Motion carried.**